

Message

From: Lawler, Michael (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=MICHAEL.LAWLER]
Sent: 9/30/2011 12:09:37 AM
To: Santos, Kevin (SUF) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Kevin.Santos]; Corbett, Kate (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Kate.Corbett]
Subject: RE: Commonwealth v. [REDACTED] - Jury Trial - December 15, 2011

Kevin,

It may be more fruitful for you to have me appear. The first chemist on your certificate is the *custodial* chemist who takes custody of the sample from the evidence office, checks the integrity of the submission, weighs the material and performs the preliminary tests. The custodial chemist then prepares a vial of the material for the *confirmatory* chemist (Kate) who runs the sample through an instrumental analysis using gas chromatography/mass spectrometry (gc/ms.) The confirmatory chemist reviews the instrument data from a printed data sheet, to report her results.

The *printed* gc/ms data is "reviewable data." Prior to appearing I will review the gc/ms data, interpret it and speak to it myself. On the other hand, my initial spot tests have no direct data other than my hand notes of the color reaction. Kate cannot review this data and speak to its accuracy. Nor can she speak to the integrity of the chain of custody and the weights. When one chemist is enough, the custodial chemist covers more bases.

Please consider this thought. If once offered the opportunity to stipulate to the certificate in pretrial motions, if the defense prefers to have me appear, by all means I will be there. However, once I appear in the court halls, please do not accept a stipulation. At that moment I would consider it a professional courtesy to be called to present my testimony.

If you have further concerns, call me directly at (617) 983-6627.

Best wishes,
Mike Lawler
State Lab

From: Santos, Kevin (SUF)
Sent: Thursday, September 29, 2011 7:18 PM
To: Lawler, Michael (DPH); Corbett, Kate (DPH)
Subject: Commonwealth v. [REDACTED] - Jury Trial - December 15, 2011

Michael / Kate:

Attached please find a summons for the [REDACTED] case for December 15, 2011. The lab number is [REDACTED]

I only need one of you to appear, and was wondering if I could have one of you on call in the event the defense attorney wants to proceed with a trial.

Kevin Santos
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